

House File 84 - Introduced

HOUSE FILE 84
BY BRANDENBURG

A BILL FOR

1 An Act relating to and requiring the return of stolen
2 merchandise in the possession of a pawn shop owner or
3 operator, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **714.28 Pawn shops — stolen**
2 **merchandise — return to rightful owner.**

3 1. The governing body of a political subdivision which has
4 adopted an ordinance regulating the operation of pawn shops
5 shall include within the ordinance a provision requiring the
6 owner or operator of a pawn shop to return merchandise held
7 or offered for sale by the owner or operator which local,
8 state, or federal law enforcement officials have determined
9 to be stolen to the rightful owner of the merchandise. The
10 merchandise shall be returned by the owner or operator of the
11 pawn shop, or local law enforcement officials, to the owner
12 of the merchandise at no charge or cost to the owner. The
13 ordinance shall specify procedures and requirements regarding
14 verifying the identity of the owner of the stolen merchandise,
15 and that the merchandise was in fact reported as stolen
16 pursuant to a police report, national electronic database, or
17 other applicable means of notification.

18 2. In addition to any other penalty imposed for violation
19 of an ordinance described in subsection 1, if the political
20 subdivision issues a license or permit for the operation of
21 a pawn shop, the ordinance shall provide for the suspension,
22 revocation, or nonrenewal of the license or permit in the
23 event the ordinance is violated by an owner or operator. A
24 suspension, revocation, or nonrenewal shall not take effect
25 without notice and hearing.

26 a. Notice shall be delivered to the licensee or permittee
27 by regular mail addressed to the licensee or permittee at the
28 licensed premises a minimum of ten days prior to a date set
29 for hearing before a magistrate or district associate judge.
30 The notice shall inform the licensee or permittee of the time,
31 date, and place of hearing and the purpose of the hearing, and
32 shall set out briefly the reasons for the hearing.

33 b. A decision regarding whether to suspend or revoke
34 a license or permit, or deny its renewal, shall be at the
35 discretion of the magistrate or district associate judge,

1 based upon the circumstances surrounding the violation and its
2 severity.

3 c. A licensee or permittee whose license or permit or
4 renewal has been revoked or denied because of a violation of
5 this section shall not be eligible for another such license
6 or permit for a period of one hundred eighty days after the
7 revocation or denial.

EXPLANATION

9 This bill requires the governing body of a political
10 subdivision in which an ordinance has been adopted regulating
11 the operation of pawn shops to include within the ordinance
12 a provision requiring the owner or operator of a pawn shop
13 to return merchandise held or offered for sale which local,
14 state, or federal law enforcement officials have determined to
15 be stolen. The bill requires the merchandise to be returned
16 to the owner of the merchandise without charge or cost to
17 the owner. The bill states that the ordinance shall specify
18 procedures and requirements regarding verifying the identity
19 of the owner of the stolen merchandise, and verifying that the
20 merchandise was in fact reported as stolen pursuant to a police
21 report, national electronic database, or other applicable means
22 of notification.

23 The bill provides that, in addition to any other penalty
24 imposed for violation of such an ordinance, if the political
25 subdivision issues a license or permit for the operation of
26 a pawn shop, the ordinance shall provide for the suspension,
27 revocation, or nonrenewal of the license or permit in the event
28 of a violation.